

Message Text

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EXDIS MILITARY PLEASE HANDLE AS SPECAT EXCLUSIVE

FOLLOWING REPEAT TAIPEI 4008 ACTION SECSTATE INFO HONG KONG USLO PEKI
NG
JULY 06.

QUOTE S E C R E T TAIPEI 4008

E.O. 11652: XGDS-2

TAGS: MILI, PLOS, TW, CH, US

SUBJECT: TAIWAN STRAIT: DEFENSE AND LEGAL QUESTIONS

REF: (A) STATE 142465, (B) TAIPEI 3735

1. WE WOULD APPRECIATE CLARIFICATION OF USG POSITION ON
SEVERAL QUESTIONS OUTLINED BELOW, AND GUIDELINES FOR
RESPONSE TO ANY GROC INQUIRIES IN CONNECTION WITH POSSIBLE
FUTURE DISCUSSION WITH GROC ABOUT SITUATION IN TAIWAN
STRAIT.

2. THE RECENT EXPANSION OF PRC AIR, GROUND, AND NAVAL
ACTIVITIES IN THE STRAIT AREA IS REGARDED BY SOME SOURCES
HERE AS A TEST OF ROC (AND POSSIBLY U.S.) REACTION AND
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RESOLVE REGARDING THE STRAIT. AS WE HAVE INDICATED TO
THE GROC A DESIRE TO ALTER THE NATURE OF ITS TRADITIONAL
DEFENSE POSTURE IN THIS ARA PRESUME THIS RELATES ALSO
TO "OUTDATED ASSUMPTIONS" MENTIONED IN REF A), IT IS
POSSIBLE THAT WE WILL RECEIVE GROC REQUEST VIA OFFICIAL OR
INFORMAL CHANNELS FOR ADDITIONAL GUIDELINES REGARDING WHAT
ACTIONS (PARTICULARLY GROC DEFENSIVE ACTIONS) USG WOULD

REGARD AS JUSTIFIABLE AND WOULD BE PREPARED TO SUPPORT IN THE FACE OF PRC ACTIVITIES IN THE STRAIT. THE GROC HAS INDICATED ITS WILLINGNESS TO COOPERATE IN AVOIDING AN INCIDENT IN THE STRAIT (REF B) AND DESPITE PREDICTABLE UNHAPPINESS WITH OUR DEMARCHE WILL PROBABLY RESPECT OUR CONCERN OVER POSSIBLE INCIDENTS. NEVERTHELESS, IT HAS LEGITIMATE DEFENSE CONCERNS AND WE ARE FACED WITH THE POSSIBILITY OF A FUTURE INCIDENT LEADING TO A CONFRONTATION, GENERATING ADVERSE PUBLIC ATTENTION (PERHAPS WITH EFFECTS UNFAVORABLE TO U.S. EFFORTS TOWARD NORMALIZATION) AND POSSIBLY EVEN BEING SEEN BY ROC AS INVOKING U.S. RESPONSIBILITIES UNDER MDT.

3. QUESTIONS AT ISSUE SEEM TO US TO INCLUDE THE FOLLOWING: (A) HOW CLOSE TO TAIWAN/PENGHUS COASTLINE DO WE BELIEVE ROC SHOULD PERMIT PC UR AND NAVAL CRAFT TO COME WITHOUT CHALLENGE? (B) GIVEN EXISTING STATE OF HOSTILITIES BETWEEN ROC AND PRC WHAT KINDS OF PRC NAVAL AND AIR APPROACHES WOULD WE AGREE MAY BE REGARDED BY ROC AS HOSTILE AND REQUIRING OR JUSTIFYING CHALLENGE? (C) WHAT DO WE SEE AS POSSIBLE U.S. ROLE AND INVOLVEMENT GIVEN MUTUAL DEFENSE TREATY AND ALSO GIVEN OUR POSITION THAT WE MAY CONSIDER OUR MDT COMMITMENT INVOLVED IF THERE SHOULD BE AN ATTACK ON THE OFFSHORE ISLANDS WHICH WE SEE AS A PRELUDE TO ATTACK ON TAIWAN/PENGHUS?

4. APAR FROM THE FOREGOING QUESTIONS, WE ARE ALSO
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CONCERNED ABOUT POSSIBLE IMPLICATIONS OF OUR USE OF LOS LEGAL TERMS IN RECENT DEMARCHE TO FOREIGN MINISTER REGARDING THE TAIWAN STRAIT (REF A AND B). EMBASSY EXPECTS GROC FULLY UNDERSTANDS THE REASONS FOR OUR DEMARCHE (REF B), BUT WE ARE CONCERNED, AMONG OTHER THINGS, IF WE CONTINUE TO CAST OUR DISCUSSION OF THIS ISSUE IN TERMS OF INTERNATIONAL LW, THAT GROC MAY DRAW THE CONCLUSION WE ARE TALKING ABOUT TWO "SOVEREIGNS" IN THE STRAIT AREA. FOR EXAMPLE, GROC COULD CONCEIVABLY POINT TO DEPARTMENT'S STATEMENT IN REF A, THAT USG REGARDS THE TAIWAN STRAIT AS AN INTERNATIONAL STRAIT AS JUSTIFYING SUCH CONCLUSION. STATEMENT COULD BE INTERPRETED AS IMPLYING THAT WE OR OTHER OUTSIDE POWERS HAVE LESSER RIGHTS IN THE AREA THAN EXIST IN ORDINARY HIGH SEAS OR THEIR SUPER ADJACENT AIRSPACE. IS THIS DEPARTMENT'S INTENTION? AND WHAT IS USG POSITION INDEPENDENT OF ROC AND PRC CLAIMS? FINALLY, WE NEED TO KNOW THE DEPARTMENT'S VIEWS AS TO THE IMPLICATIONS OF THE STATE OF CIVIL WAR REGARDING CLAIMS IN THE STRAIT.

5. FYI: LOCAL PAPERS JULY 5 REPORT A PROPOSAL TO EXPAND GROC TERRITORIAL WATERS FROM 3 MILES TO 12 MILES IS CURRENTLY UNDER REVIEW BY THE EXECUTIVE YUAN AND APPROVAL

IS EXPECTED SOON. THE 12-MILE LIMIT WILL BE CLAIMED
ONLY IN "CERTAIN ZONES," AND THE GROUPE WILL NOT ATTEMPT TO
CLAIM A 200-MILE ECONOMIC ZONE BECAUSE THERE ARE "TOO
MANY FACTORS INVOLVED," ACCORDING TO CHINESE LANGUAGE
UNITED DAILY NEWS. UNGER UNQUOTE VANCE

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